

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOEL MARCEL CARTER,

Plaintiff,

Case No. 1:21-cv-331

v.

Hon. Hala Y. Jarbou

HEIDI WASHINGTON, et al.,

Defendants.

ORDER

In accordance with the opinion entered this date:

IT IS ORDERED that the Report and Recommendation (“R&R,” ECF No. 53) is **APPROVED** and **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that Plaintiff Joel Marcel Carter’s motion for summary judgment (ECF No. 40) is **DENIED**.

IT IS FURTHER ORDERED that Defendants Heidi Washington, Carmen McIntyre, John Davids, Lynn Sanborn and Chad Guilford’s motion for summary judgment (ECF No. 35) is **GRANTED IN PART AND DENIED IN PART**. The motion is granted with respect to the Eighth Amendment claims against Defendants Washington, McIntyre, Davids, and Sanborn and **DENIED** with respect to the Eighth Amendment claim against Guilford. Defendants’ motion for summary judgment is also **DENIED** as to Carter’s Americans with Disabilities Act and Rehabilitation Act claims.

IT IS FURTHER ORDERED that Carter’s Eighth Amendment claims against Defendants Washington, McIntyre, Davids and Sanborn under Count II of the complaint (Compl. ¶ 49-54, ECF No. 1) are **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that Carter's motion to supplement his objections to the R&R (ECF No. 58) is **DENIED**.

Dated: September 13, 2023

/s/ Hala Y. Jarbou

HALA Y. JARBOU

CHIEF UNITED STATES DISTRICT JUDGE